

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 8/28/12	NEED RESPONSE BY: 9/12/12
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Glenn	
3. PHONE NO.:	7. SUBJECT: Drug felony convictions from another country	
4. REGULATION CITE(S): §63-402.229	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

§63-402.229 provides that "an individual who has been convicted in a state or federal court of a felony that has as an element, the distribution of a controlled substance or other disqualifying conviction" shall be an excluded household member and shall be ineligible to receive CalFresh benefits.

CalFresh applicant self-discloses they were convicted in 2007 of a felony in Mexico relating to an attempt to smuggle drugs into California. Applicant states there were no charges against her from a state or federal court in the United States.

Does a felony conviction by a federal or state court in Mexico affect eligibility to CalFresh?

10. REQUESTOR'S PROPOSED ANSWER:

The applicant was convicted of a disqualifying drug related felony since she was unlawfully transporting and importing a controlled substance into this state. The applicant is ineligible to receive CalFresh benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

No. A drug felony conviction by a federal or state court in another country does not, in and of itself, make an individual ineligible for CalFresh. Federal regulations at 7 CFR 273.11 (m) specify that "An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6)) shall not be considered an eligible household member unless the State legislature of the State where the individual is domiciled has enacted legislation exempting individuals domiciled in the State from the above exclusion." The federal and state law referenced in these regulations is United States law and the state or federal court referenced in MPP Section 63-402.229 are U.S. courts of law. The applicant is therefore eligible for CalFresh if he meets all other eligibility criteria.

FOR CDSS USE

DATE RECEIVED: 8/28/2012	DATE RESPONDED TO COUNTY/ALJ: 10/02/2012 (RN)
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